No. 17-B, Upper Circular Road, Singapore 1, fourteen (14) days after the receipt by the Purchaser or his Solicitors of the Notice to Complete of the Vendor or its Solicitors such Notice to be accompanied by the certificate of the Vendor's Architect that the said premises and road drainage and sewerage works have been completed in accordance with the relevant approved plans and that sewerage water and electricity and/or gas services have been duly connected to the said Premises and that the said approval of the Competent Authority for separate disposal has been obtained, and, after receipt by the Purchaser or his Solicitors of the notice from the Vendor's Solicitors that the Subsidiary Strata Certificate or Title has been issued for the said Premises. The said Notice to Completion shall be given by the Vendor on or before December 31, 1976 or such other subsequent date or dates as may after the date hereof be appointed by the Controller of Housing. If the Vendor shall fail to give the said Notice to Complete on the appointed date the Vendor shall pay to the Purchaser liquidated damages calculated from day to day in respect of the period commencing from the appointed date up to the date when the said Notice to Complete shall have actually been given at the rate of nine per centum (9%) per annum on the purchase price such interest to be paid and deducted from the balance of the purchase price payable on completion. On completion, the Vendor shall make and execute to the Purchaser a transfer of the said Premises sold, such transfer to be prepared by and at the expense of the Purchaser."

The defendants contend that the plaintiffs have expressly waived their right to liquidated damages. They rely on the fact that the plaintiffs had taken possession of the shop units on March 19, 1977 and on a document dated March 19, 1977 alleged to be executed by the plaintiffs which, so far as relevant reads:—

"Re: UNDERTAKING AND INDEMNITY
Unit/Units G5 & G7
Pearls Centre

In consideration of M/s. Outram Realty Pte. Ltd. (hereinafter referred to as "the Company") agreeing at my/our request to give me/us vacant possession of the above property, without their having obtained the Temporary Occupation Licence/Certificate of Fitness for Occupation in respect thereof, I/We do hereby freely and without coercion agree and undertake the following –

... ...

13. In consideration of my/our taking over the above unit/units to-day, I/We am/are fully aware of my/our rights as per clause 12/14(2) of the sales agreement and I/We on my/our own free will do hereby waive my/our rights in the aforesaid clause 12/14(2)."

The plaintiffs' answer to this contention is Rule 16 of the Housing Developers Rules 1965 made under the Housing Developers (Control and Licensing) Act 1965 which reads:—

"16. – (1) A housing developer shall not, without the prior consent in writing of the Controller, seek from a purchaser –

(a) any waiver of the purchaser's rights under an agreement for sale of any housing accommodation sold by the housing developer; or

(b) any release from the performance of the housing developer's duties and obligations under the aforesaid agreement.

(2) Any undertaking given by a purchaser of any housing accommodation to a housing developer which seeks to waive the purchaser's rights or claims against the housing developer for a breach of, or to release a housing developer from the performance of the housing developer's duties and obligations under, an agreement for the sale of any housing accommodation by the housing developer shall be unenforceable unless the prior consent in writing of the Controller has been obtained therefor."

It is undisputed that the defendants failed to give notice of completion on December 31, 1976 which was the date appointed by the Controller of Housing on or before which the notice to complete should be given by the Vendor under Clause 12 of the sale agreements. The defendants gave notice to complete the sale and purchase on March 11, 1981.

I am satisfied that on these facts that there is no defence or no fairly arguable point to argue on behalf of the defendants and that the plaintiffs are entitled to enter judgment for the sum claimed.

Judgment for the plaintiffs.

Solicitors: *Chor Pee & Co.; Lee Kim Siang & Co.*

TOMINAM BTE. TUKIMIN v. TOH KAI CHUP

[O.C.J. (Chua J.) April 9, 1985]

[Singapore – Civil Suit No. 4574 of 1981]

Damages – Road accident – Brain injury – Epilepsy – Quantum of damages – No award of interest allowed – Civil Law Act (Cap. 30), s.9.

Road Traffic – Collision with motorcyclist – Pedestrian at fault.

The plaintiff, a factory operator aged 25 years old met with an accident, as a result of which she suffered the following injuries: Brain injury, epilepsy and residuals.

The court found that the accident was caused solely by the negligence of the plaintiff. However, the court dealt with the question of the quantum for "completeness as much argument had been addressed to the court by both parties".

Held, dismissing the plaintiff's case: (1) the appropriate multiplicand was $2 per hour and the multiplier was 10 years. A multiplier of 10 years directly applied to $5,720.00 (which includes Employer's CPF on pay at 25% amounting to $1,144.00) per annum gives a total of $57,200.00;

(2) the period of loss of pay should be 3½ years, from February 18, 1980 to August 18, 1983. The total loss of earnings would be $12,697.03 and the total loss of employer's CPF contributions on loss of earnings would be $2,669.52, making a total loss of $15,366.55;

(3) as to future medication, the court would award the sum of $5,000.00;

(4) interest should not be allowed when damages are awarded in running-down cases.

Cases referred to:

(1) *Lai Wee Lian* v. *Singapore Bus Service (1978) Ltd.* [1984] 1 M.L.J. 325, 328.
(2) *Ban Pet Hock* v. *Ong Ah Ho* [1966] 2 M.L.J. 253.

[Cases also cited: *Burke & Ors.* v. *Woolley & Maughan – Kemp & Kemp* on Quantum of Damages Vol. 2, 4th Edition; *Hawkins* v. *New Mendip Engineering Ltd.* [1966] 1 W.L.R. 1341; *Low Hork Guan* v. *William Drylie Gray August* [1968] 2 M.L.J. xxii; *Jones* v. *Griffith* [1969] 1 W.L.R. 795; *Baker* v. *Willoughby* [1970] A.C. 467; *Lim Phuay Siang* v. *Cheong Yuen Lin and Chang Kam Lan* v. *Ong Lean Kee* [1979] 1 M.L.J. xxxviii; *Ban Pet Hock* v. *Ong Ah Ho* [1966] 2 M.L.J. 253; *Lai Chi Kay & Ors.* v. *Lee Kuo Shin* [1981] 2 M.L.J. 167; *Lai Wee Lian* v. *Singapore Bus Service (1978) Ltd.* [1982] 2 M.L.J. 137; *Lai Wee Lian* v. *Singapore Bus Service (1978) Ltd.* [1984] 1 M.L.J. 325; *Jamil bin Harun* v. *Yang Kamsiah bte. Meor Rasdi & Anor.* [1984] 1 M.L.J. 217; *Harburtt's "Plasticine Ltd.* v. *Wayne Tank & Pump Co. Ltd.* [1970] 1 Q.B. 447; *Dexter* v. *Courtaulds Ltd.* [1984] 1 All E.R. 70; *Sinnapan Selvam* v. *Koh Thow* [1984] 2 M.L.J. xxviii; *Au Kee Tuang* v. *Lightweight Concrete Pte. Ltd.* [1984] 2 M.L.J. xxix; *Joginder Kaur & Anor.* v. *Malayan Banking Ltd. & Anor.* [1971] 1 M.L.J. 98; *Ang Koon Kau & Anor.* v. *Lau Piang Ngong* [1984] 2 M.L.J. 277; *Cham Kam Lan* v. *Ong Lean Kee* [1979] 1 M.L.J. xxxviii; *Poh Sun Hong* v. *Lim Peng Chia* [1979] 1 M.L.J. xxxviii; *Murtadza bin Mohamed Hassan* v. *Chong Swee Pian* [1980] 1 M.L.J. 216; *Samat bin Lembek* v. *Chong Sip Yu* [1980] 1 M.L.J. xlvi; *Low Kok Tong* v. *Teo Chan Pan* [1982] 2 M.L.J. 299; *McGuinness* v. *Ahmad Zaini* [1980] 2 M.L.J. 304; *Singapore Bus Services (1978) Ltd.* v. *Lim Soon Yong* [1983] 2 M.L.J. 306; *Phillips* v. *London & South Western Rly Co.* (1879) 4 Q.B.D. 406; *N. Rouse* v. *Port of London Authority* [1953] 2 Lloyd's Rep 179; *Barry* v. *B.T.C.* [1954] 1 Lloyd's Rep. 372.]

CIVIL SUIT.

V. Ramakrishnan for the plaintiff.

Christopher Lau (*Ms Choo Wai Hong* with him) for the defendant.

Cur. Adv. Vult.

Chua J. : The plaintiff, who was employed as a factory operator at Union Carbide, met with an accident on February 18, 1980, when there was a collision between the plaintiff and the motor cycle which the defendant was riding along Teck Whye Avenue in the direction of the end of Teck Whye Avenue The plaintiff now claims damages against the defendant for personal injuries suffered by her as a result of the accident which the plaintiff alleges was due to the negligence of the defendant.

The plaintiff sustained a very severe head injury and she now has a poor memory and concentration.

In her evidence the plaintiff said that she could not remember that she met with an accident and she could not remember that she made a report to the police after the accident. Her police report is in evidence. It was made on March 19, 1980, a month after the accident. The report (AB 2) reads:

"On February 18, at about 7.00 a.m. as I was standing on the curb waiting to cross the road I was hit by a m/cycle AN 2215B. After the impact I was unconscious. I regain consciousness in Tan Tock Seng Hospital after 4 to 5 days later."

In her Statement of Claim it was alleged that the plaintiff was standing on the grass verge along Teck Whye Avenue when the defendant riding his motor cycle so negligently managed and controlled his motor cycle as to cause or permit it to mount on to the grass verge and collided and knocked down the plaintiff.

The defendant's version of the accident was this. He was riding along Teck Whye Avenue. He had come from Choa Chu Kang Road and was going to his elder brother's house at Teck Whye Avenue. He was travelling in the middle of the road at a speed of between 40-50 Km/h. There was a slight bend in the road. As he was rounding the bend he saw two women crossing the road from his left to his right and they were close to the centre white line. When he first saw them they were 14 to 15 feet away ahead of him and to his right. He slowed down and steered to his left. Suddenly one of these two women, the plaintiff, turned around and ran back across the road and in doing so she collided into his motor cycle. The plaintiff fell and he quickly stopped his motor cycle and placed it on its side on the kerb at the side of the road. The plaintiff was then carried to the side of the road.

The plaintiff called two witnesses who were at Teck Whye Avenue that morning. The saw the plaintiff lying by the side of the road but they did

not see the accident. Sgt. Kwan Soo Loi of the Traffic Police went to the scene of the accident at 10.32 a.m. the same day to take measurements and prepare a sketch plan. He inspected the grass verge and the edge of the road and also the defendant's motor cycle. There was no indication that the motor cycle had mounted the grass verge. The front number plate and mudguard of the motor cycle were slightly dented from the offside towards the nearside. There was no damage to the front wheel and there was no damage to the handle bar. He did not see any bloodstains or brake marks on the road.

The defendant called Samugam s/o Trevor Senka Pandian. He had given his name and particulars to the police at the scene of the accident. His evidence was this. That morning he was sitting in his lorry which was parked by the side of the road along Teck Whye Avenue. He saw two women coming down the steps from the block of flats. He saw through his driving mirror a motor cycle coming from behind. Then he saw the two women crossing the road normally one behind the other. The motor cycle went past his lorry and went to its left. The woman who was walking behind suddenly turned and walked fast back in the direction from which she had come and in doing so she collided into the motor cycle and fell. The collision took place somewhere in the middle of the road.

The plaintiff suffered a severe injury to her head which the neurosurgeon said was consistent to the head hitting a hard surface like the surface of a road. There was no injury to her leg. The damage to the defendant's motor cycle was very slight. All this is consistent with the plaintiff running into the defendant's motor cycle and not that the plaintiff was run into by the motor cycle.

It is clear from the evidence that the accident did not happen in the manner described by the plaintiff in her police report and alleged in her Statement of Claim. I find that the accident happened in the way described by the defendant whose version was supported by Samugam, that the plaintiff was crossing the road and when she was near the centre white line she suddenly turned round and walked fast back in the direction from which she had come and in doing so she collided into the defendant's motor cycle.

It is submitted on behalf of the plaintiff that on the evidence of the defendant the accident was caused by the sole negligence of the defendant in that he was driving too fast; that he failed to keep any or any proper look-out thereby failing to observe the presence of the plaintiff on the road; that his motor cycle collided into the plaintiff; that he failed to exercise or maintain any or any proper or effective control of his motor cycle; that he failed to stop, slow down, swerve or in any other way so to manage or control his motor cycle so as to avoid colliding into the plaintiff.

The plaintiff has not been able to substantiate any of the particulars of negligence on the part of the defendant which she alleges.

The defendant was travelling in the middle of the road and the plaintiff was to his right. He could have passed her without going to the left but he veered to the left. The plaintiff suddenly turned round and walked fast into the motor cycle. That was how the accident happened. It is clear that if the plaintiff had not turned round suddenly to walk back fast in the direction from which she had come this accident would not have happened, because in doing so she collided into the motor cycle. There is no evidence that the defendant was travelling at a fast speed or that the defendant should have seen the plaintiff earlier. It does not matter at what speed the defendant was travelling or whether he could have seen the plaintiff earlier or not as whatever evasive action taken by the defendant would have been in vain. The plaintiff turned around suddenly and walked fast into the motor cycle. The defendant had no opportunity to avoid the accident.

I find that the accident was caused solely by the negligence of the plaintiff.

This disposes of the matter. I will, however, deal with the question of the quantum of damages for completeness as much argument has been addressed to the Court by both parties.

(1) *Pain and suffering and Loss of Amenities:*

The plaintiff was 25 years old at the date of the accident. She lives with her husband and her 8-year old daughter. The injuries suffered by her can be divided into (a) Brain injury; (b) Epilepsy; (c) Residuals.

(a) *Brain injury:*

She sustained a severe head injury. A special X-ray showed bleeding inside the brain. An emergency surgery was undertaken by the neurosurgeon to remove blood clots from under the skull cavity.

Following treatment her condition gradually improved and she discharged herself from hospital after two weeks. She was readmitted on July 4, 1980, for repair of a skull defect that was present. She had at this time weakness of her left leg but appeared to be mentally normal. There were no abnormalities of sensation. She was able to walk around with help. A repair of the skull defect was performed and she was discharged on July 22, 1980. She was seen on January 14, 1981, by the neurosurgeon. She complained of giddiness. She was walking unaided but with some difficulty. She had fairly marked difficulty in memory.

(b) *Epilepsy*

The plaintiff has a tendency to major epileptic fits. She was re-examined on December 30, 1981. She had by this time had a series of epileptic fits and was treated with anticonvulsants. The fits were reduced in frequency but not totally abolished by drugs. They will recur from time to time throughout her life. She was last seen by the neurosurgeon on May 19, 1982. The plaintiff had had no fits for one month.

The epileptic fits are to a greater extent controlled by medication which she will require all her life. According to the neurosurgeon, with drugs the frequency of the fits would be reduced roughly to once in 6 weeks. The last epileptic fit according to the plaintiff's husband was in March 1984. The plaintiff's mother-in-law says that at present the plaintiff would have fits once in 2-3 days but I consider her evidence unreliable.

The neurosurgeon is of the view that the plaintiff does not require institutionalisation. He says that the plaintiff can look after herself for a short period of time but cannot be left entirely on her own for any length of time. The fits can come without any warning and there is a possibility for her to fall and injure herself. The neurosurgeon in his report of May 7, 1984, (AB 14) stated that the plaintiff was capable of leading an independent life and did not and would not require nursing care.

The epilepsy appears to be under control. The neurosurgeon in the same report AB 14 stated that "it is difficult to be specific as to how (the plaintiff) functions as a housewife and mother but it is evident that a cook who suffers an epileptic fit in the midst of her work is likely to burn the dinner and a mother with poor concentration will be unable to provide the attention and emotional support that children demand." As to her sex life the neurosurgeon stated that "there is no physical reason for her to suffer loss of sexual pleasure." He added: "However, her short attention span may disturb her sexual partner."

(c) *Residuals:*

The evidence of loss of amenities is from the husband and the plaintiff's mother-in-law. Their evidence is suspect and unreliable.

The evidence of the plaintiff's husband is that the plaintiff can walk by herself without help in the flat by holding on to the furniture; that he would support her to walk; that they always take a taxi even for short distances; that he has never taken her into a bus; that she has to be taken from one place to another as she needs someone to support her. The plaintiff's husband says that even up to the date when he was giving evidence (June 1984) his mother had to bathe the plaintiff, bring food and feed her and dress her up. He also says that he needs someone to take care of his wife all the time and that the plaintiff cannot look after herself.

The neurosurgeon said that the plaintiff has minor headaches and giddiness and that the injury would have changed her personality significantly and that her function as a mother and housewife was affected. He also said that there would be loss of memory of the incident surrounding the accident but it would be wrong to say that she has loss of memory; that her memory power was impaired as a result of the head injury and that further improvement could not be expected. The neurosurgeon's impression was that the plaintiff was able to carry on a very superficial conversation, not able to describe in detail her disability; that she was rather vague, not attentive to what was happening around her.

Teo Koon Bee (a private investigator instructed on behalf of the defendant to keep a surveillance on the plaintiff) visited the plaintiff on May 8, 1984, at her flat. The plaintiff was alone in the flat with the young child. She was doing something in the flat, she could walk. Teo asked her questions which she answered.

The plaintiff has weakness of the left leg which is attributed to the brain damage. She can, however, walk without assistance. This was stated by the neurosurgeon. She was seen by Teo Koon Bee on June 20, 1984, walking about in the flat and later

walking to a bus stop with her husband and child from her flat unaided and boarding a bus.

There is no doubt memory impairment but there is no medical evidence of intellectual impairment. The only evidence of this is from the plaintiff's mother-in-law and husband. As I have said, their evidence is suspect and unreliable. The personality change in the plaintiff is exaggerated by the plaintiff's husband and mother-in-law.

A number of authorities were cited by the parties. Counsel for the plaintiff submits that the proper sum to award is the sum of $50,000 for pain and suffering and loss of amenities and the sum of $50,000 for epilepsy.

However, in the light of the authorities in my judgment the proper award would be $45,000 for pain and suffering for brain injury and loss of amenities and $12,000 for epilepsy.

(2) *Loss of future earnings*

The plaintiff left school in December 1972. She passed the Singapore-Cambridge Malay G.C.E. Ordinary Level. Soon after leaving school she worked in Tien Wah Press. She got married in June 1976 and continued to work after the birth of the child. Then she stopped working for 6 months as "she felt tired of working." A month before the accident she joined Union Carbide as a factory operator. She was taken on as a temporary employee for 6 months to be followed by 3 month's probation before she would be confirmed. Her rate of pay was $1.45 per hour and when confirmed the pay would be $1.60 per hour.

In his submissions counsel for the plaintiff contends for a multiplicand of $2.95 per hour and a multiplier of 15 years. Counsel for the plaintiff tendered several bundles of calculations and the last bundle shows (i) loss of future earnings of $101,244.00; (ii) loss of future attendance benefits of $4,956.00; (iii) loss of future bonus of $14,868.00; loss of employer's CPF contributions (based on 25%) of $30,267.00; (iv) a grand total of $151,335.00.

The figures suggested in the plaintiff's bundles are all purely hypothetical and speculative. They ignore the fact (1) that there is no evidence that she would be taken on after her period of probation; (2) that the plaintiff would have been retrenched in March 1984; (3) that Union Carbide would cease operation in the near future; (4) that the present rate of new workers employed by Union Carbide is $2 per hour; (5) that there is a recession now with a number of factories closing down.

After considering the medical evidence and the evidence of Teo Koon Bee I consider that it would not be possible for the plaintiff to work as a factory operator but it is possible for her to perform some kind of light work, like lift operator or car park attendant, which does not require any memory or concentration.

It is doubtful if the plaintiff had not met with the accident that she would be in continuous employment. There will be children to look after and the house to run. She did not work for 6 months before the accident because "she felt tired of working." The plaintiff is now 30 years old. The normal retiring age is 55. She has, therefore, about 25 years working life. This figure of 25 years must be discounted for the inevitable contingencies and uncertainties of human life and working capacity and for the payment of a lump sum now. (See judgment of the Privy Council in *Lai Wee Lian* v. *Singapore Bus Service (1978) Ltd.*[1])

In my view the appropriate multiplicand is $2 per hour and the multiplier is 10 years.

The annual pay would be $4,576.00 ($2.00/hr x 44 hrs/week x 52 weeks). Employer's CPF on pay @ 25% would be $1,144.00, making a total loss of $5,720.00 per annum. A multiplier of 10 years directly applied to $5,720.00 per annum gives a total of $57,200.00.

(3) *Loss of Earnings*

The plaintiff was employed by Union Carbide on January 11, 1980, as a temporary employee at the rate of $1.45 per hour for 6 months and after that she would be on probation for 3 months at the rate of $1.60 per hour and if her work was satisfactory she would be confirmed on October 11, 1980, at the rate of $1.60 per hour. She met with the accident on February 18, 1980.

Counsel for the plaintiff tendered several bundles of calculations and submits that the plaintiff has suffered loss, from the date of the accident to the date of trial, January 29, 1985, of $39,006.46 made up of (i) wages $26,969.62; (ii) attendance benefits $1,173.76; (iii) bonus $3,790.08; (iv) employer's CPF contibutions on loss of earnings $5,949.00; (v) employer's CPF contributions on

attendance benefits $268.00; (vi) employer's CPF contributions on bonus $856.00.

The following passage appears in *Kemp & Kemp*, The Quantum of Damages in Personal Injury and Fatal Accident Claims, Vol. 1 (at page 123):

"Where a plaintiff is paid wages or a salary, the loss of earnings up to the date of the trial can usually be determined by a simple calculation, and an award of special damages will be made in respect of this loss . . . . . .

Even in the case of a plaintiff employed at a fixed wage or salary, in certain circumstances it may not be possible to compensate him for his loss of earnings up to the date of trial merely by multiplying his weekly wage or salary by the number of weeks during which he could not work because of his injuries. For it is implicit in a calculation of this nature that, apart from his injuries, the plaintiff would have been employed and earning money. But if for some reason the plaintiff, apart from his injuries, might not have been able to earn money, the court must take this fact into account and award by way of damages the estimated amount of the plaintiff's probable loss of earnings."

I agree with the views expressed by the learned authors of *Kemp & Kemp*.

There is no evidence that the plaintiff's work was satisfactory or that she would be confirmed after her period of probation. It is doubtful, as I have said, if the plaintiff had not met with the accident that she would be in continuous employment. There is evidence that the plaintiff would have been retrenched in March 1984. There was a possibility of the plaintiff being laid off even before March 1984.

The figures of the plaintiff are speculative. The figure we can rely on is $1.45 per hour, the rate she was earning at the date of the accident, plus CPF. The period of loss of pay should be 3½ years, form February 18, 1980, to August 18, 1983. The total loss of earnings would be $12,697.03 and the total loss of employer's CPF contributions on loss of earnings would be $2,669.52, (I have taken the calculations submitted by Counsel for the defendant), making a total loss of $15,366.55.

(4) *Future Medication*

Counsel for the plaintiff asks for $20,000.00.

There is no evidence of how much this would cost. She only takes drugs. I would award the sum of $5,000.00.

(5) *Domestic Help*

Counsel for the plaintiff asks for $40,000.00.

The evidence is that she can lead an independent life; that she did not need nursing care. I would not award any sum.

(6) *Interest*

Counsel for the plaintiff asks for 8% interest on the award for pain and suffering and loss of amenities from the date of the writ to the date of trial and 4% interest on the award for special damages from the date of the accident until the date of trial.

Section 9 of the Civil Law Act (Cap. 30) empowers the Court to award interest on damages. The power is discretionary and has not been exercised by the Courts here in personal injury claims.

In *Ban Pet Hock* v. *Ong Ah Ho*[2] Choor Singh J. held that on principle interest should not be allowed when damages are awarded in running-down cases. I respectfully agree with Choor Singh J.

I would not award interest in this case.

The plaintiff's claim is dismissed with costs.

Claim dismissed.

Solicitors : *V. Ramakrishnan & Co.; Cooma Lau & Loh & M. Karthigesu.*

LAU SENG POH v. CONTROLLER OF IMMIGRATION, SINGAPORE

[O.C.J. (Thean J.) May 15, 1985]

[Singapore – Originating Motion No. 32 of 1984]

Administrative Law – Habeas Corpus – Detention Order against applicant by Controller of Immigration – Whether detention legal – Constitution of the Republic of Singapore, art. 9(2) – Immigration Act (Cap. 82), ss. 34(1) & 56(2) & (4).

Habeas Corpus – Application for – Detention Order – Whether detention legal.

On March 31, 1983 an Order of Removal under section 56(2) Of the Immigration Act (Cap. 81) and an Order of Detention under section 34(i) of the Act were made against the applicant by the Controller of Immigration. The Removal Order recited that the applicant had unlawfully entered Singapore and by virtue of the powers vested in him the Controller ordered the applicant to be removed from Singapore. Consequent on the order the Controller made the Detention Order for the detention of the applicant until arrangements can be made for his